

Volume I

**- PUBLIC PARTICIPATION
DOCUMENTATION -**

**CONTAINERIZED
CLASS A/B/C LLRW DISPOSAL
RADIOACTIVE MATERIALS LICENSE**

ENVIROCARE OF UTAH, INC.

June 2001

Provided for

**DIVISION OF RADIATION CONTROL
UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY**

by

**ROGERS & ASSOCIATES ENGINEERING BRANCH
URS CORPORATION**

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EXECUTIVE SUMMARY

On November 1st of 1999, Envirocare of Utah submitted an application to the Utah State Department of Environmental Quality, Division of Radiation Control (Division) to receive and dispose of containerized Class A, B, and C low-level radioactive waste in a new waste embankment. In doing so, a new application process within the Radiation Control Act was triggered. Under the Act, Envirocare must complete a five-step process.

The first step of the process consists of a technical review of the siting of the facility, to ensure that it is safely located. The Division completed its review of Envirocare's proposed site and found it to be appropriately located.

The second step of the process is a technical review of the operations of the facility to ensure that it can be managed safely. Having evaluated the information submitted by Envirocare and resolved all technical issues to the satisfaction of the Division's technical resources, the Division issued a Draft Safety Evaluation Report and a Draft Radioactive Materials License.

As part of this second step, the Division held a series of public hearings to solicit input and comment on the draft documents and Envirocare's application. These hearings produced numerous oral and written questions and issues. These comments were reviewed for relevance to the regulations the Division is authorized to administer. Most comments dealt with public policy issues that the Division is not authorized to address. Without such authority, the Division is unable to respond to such issues.

Many comments dealt with issues that the Division is authorized to administer, but were very general or ambiguous. In these cases, the essence of the comment was determined and the relevant regulatory requirement identified. A few comments were received that were directly and clearly related to specific regulatory requirements. Where the Division was able to identify a relationship between regulatory requirements, over which it is responsible and the public comment, a response to the comment was prepared and is presented in Attachment A of this Public Participation Document.

Attachment B is a database listing of all comments received, providing a summary for each, and showing the response number in Attachment A where the comment is addressed.

As a direct result of the public hearings and comment period, some few of the comments judged to be related to the Division's regulations and their responses required revisions to the Draft Radioactive Materials License or Draft Safety Analysis Report. These changes are summarized in Attachment C (for the license) and Attachment D (for the Safety Evaluation Report).

The disposal license for containerized LLRW must be granted before the facility can commence disposing of such waste. Furthermore, three other approvals must also be obtained before the facility can begin to receive and dispose of containerized LLRW in a new disposal embankment. These steps involve approval by elected officials. In essence these approvals confirm the acceptability of the proposed facility as complying with or furthering current "public policy." In these steps, the Radiation Control Act provides opportunity for Tooele County, the Utah State Legislature, and the Utah State Governor to approve or disapprove the proposed facility. In order for the application to be approved, Envirocare must obtain approvals through each step.

The Tooele County Commission has already granted its approval for the proposed new containerized LLRW disposal facility. However, the Utah Legislature and Utah's Governor must yet approve the proposed effort.

As noted above many of the comments received during the Public Comment period for the proposed licensing action that were not regulatory issues but did involve public policy issues. These comments are broadly summarized as:

- C We do not want Utah to be or become the nation's dumping ground for radioactive waste. We are concerned about Utah's and Tooele County's images.
- C We support or oppose Envirocare's requested expansion [with no basis related to regulatory requirements].
- C The waste should be stored more remotely than proposed.

- C The public interest is not served by the proposed action.
- C Some other features than the Applicant proposed and than are required by Utah's regulations would be desirable.
- C The land at the proposed site will be ruined forever.
- C Other miscellaneous comments.

The Division will ensure that these comments are made available to Utah's elected officials in the form of this Public Participation Document and copies of the individual comments related to public policy issues but not to regulatory requirements.

In all, 380 written comments and 389 oral comments were received at the hearings. Individual commentors may have made any number of comments ranging from a single issue to over 52 separate comments. Each comment that addressed or involved a separate issue or topic was counted as a separate comment.

Each separate comment was determined to be either related or unrelated to an applicable regulatory issue. Comments judged to be related to regulatory requirements were divided and collected into response groups, for which group responses were prepared, as presented in Attachment A.

Of all comments received, 388 were judged as unrelated to regulatory requirements which the Division administers and 381 were determined to be related. The comments considered to be unrelated to regulatory requirements, were categorized as follows:

<u>Unrelated Comment Topic</u>	<u>Number of Comments Received</u>
Support Envirocare	82
Nation's dumping ground	80
Oppose expansion	74
Suggested change in License Application	73
Miscellaneous	33

<u>Unrelated Comment Topic</u>	<u>Number of Comments Received</u>
Not in public interest	16
Utah's image\Tooele's image	11
The land will be ruined forever	9
Store more remotely	7
Close Envirocare	3

Among comments related to regulatory requirements were addressed in 89 response groups, with each group consisting of at least one comment and up to 52 comments. The topics that were of greatest interest as measured by the number of comments they received are listed below:

<u>Comment Topic</u>	<u>Number of Comments Received</u>
Transportation	52
Health Effects from Radiation Exposure	47
Groundwater Modeling	36
Requests for Extension to the Public Comment Period	25
Adequate Financial Assurance to close and monitor the site	25
Compliance History Consideration in License Application Review Process	18
Waste Inventory and Source Term	13
Damage Caused by Rising Groundwater Table	13

Transcripts and list of attendees for each of the five public hearings are contained in Attachment E. Written communications received during the public comment period in the form of letters and e-mail messages are reproduced in Attachment F.